

Serial No. 09/891,696
Amdt. dated February 7, 2005
Reply to Office Action of October 5, 2004

Attorney Docket No. PN01032AA

REMARKS/ARGUMENTS

Claims 1, 2, 11 through 13, 24, 25, 27 through 29, 34 through 36, 38 through 40, and 42 remain in this application. Claims 3 through 10, 14 through 23, 26, 30 through 33, 37, and 41 have been canceled without prejudice or disclaimer. In addition, claims 1, 12, 24, and 35 have been amended.

The above Office Action states that the pending claims would be rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which applicants regard as the invention. Applicants hereby reduce the total number of claims to seventeen (17) for examination on the merits. No amendment made was related to the statutory requirements of patentability or for the purpose of narrowing the scope of any claim. Approval of the above changes to the claims is respectfully requested.

Independent claims 1, 12, 24 and 35 are rejected under 35 U.S.C. §101, because the claimed invention is directed to non-statutory subject matter. Accordingly, the claims have been amended to more clearly cover "technological art means" or performing actions in that particular environment, as requested by the Examiner. In particular, the preambles of these claims are hereby amended to state "[a] method of a server for ordering goods or services, the server being capable of communicating between a plurality of wireless communication devices and a plurality of providers of goods or services, the method comprising the steps of:". Reconsideration and withdrawal of the 35 U.S.C. §101 rejection of the claims are respectfully requested.

CONCLUSION

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No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Also, no amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Commissioner is hereby authorized to deduct any additional fees arising as a result of this response, including any fees for Extensions of Time, or any other communication from or to credit any overpayments to Deposit Account No. 50-2117.

It is submitted that the claims clearly define the invention, are supported by the specification and drawings, and are in a condition for allowance. Applicants respectfully request that a timely Notice of Allowance be issued in this case. Should the Examiner have any questions or concerns that may expedite prosecution of the present application, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,
Paulo, Daniel Leonard, et al.

Please forward all correspondence to:
Motorola, Inc.
Law Department (HDW)
600 North US Highway 45, AS437
Libertyville, IL 60048


Hisashi D. Watanabe
Attorney for Applicant(s)
Registration No. 37,465
Telephone: (847) 523-2322
Facsimile: (847) 523-2350

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Date